

IN RE: PETITIONS FOR SPECIAL HEARING, \* BEFORE THE  
SPECIAL EXCEPTION & ZONING VARIANCE \* ZONING COMMISSIONER  
W/S York Road, 695 ft. (+/-) N \*  
of Melancton Avenue \* OF BALTIMORE COUNTY  
1626 York Road \*  
8th Election District \* Case No. 93-42-SMXXA  
4th Councilmanic District \*  
Legal Owner: James Enterprises \*  
Lessee: Kimmel Automotive, Inc. \*  
Petitioners \*

FINDINGS OF FACTS AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Special Hearing, Petition for Special Exception and Petition for Zoning Variance, all for the subject property known as 1626 York Road in the Lutherville section of Baltimore County. The Petitions are filed by the owner of the subject property, James Enterprises, and the Lessee of same, Kimmel Automotive, Inc. The Lessee proposes a use of the subject site as a service garage, trading as Discount Tire Express.

Within the requested special exception relief, the Petitioners seek approval of a special exception to permit a service garage in a B.L. zone. As to the Petition for Variance, the Petitioners originally requested variances from Section 409.4(a)(c), to permit a two-way driveway/travel aisle of 12-1/2 ft. in lieu of the required 20 ft.; and from Section 409.4(c) to allow a two way travel aisle of 20 ft. in lieu of the required 22 ft. for 90 degree parking. Lastly, as to the Petition for Special Hearing, the property owner/lessee seek certain modifications to an approved plan within case No. 90-122-XA. Specifically, the Petitioners seek an amendment of restriction No. 2 within the Zoning Commissioner's Order in that case to permit the operation of the service garage by the Lessee. Further, a removal of restriction No. 3 is requested. Also, a confirmation of the variance permit-

ting a parking setback of 4 ft. from the existing right-of-way is requested. Lastly, the Petitioners ask that a parking variance, approved in the prior Order, be eliminated.

Appearing at the public hearing were numerous individuals in support of the Petition. They included Mark Hughes, the Comptroller of the corporate lessee and William Purman, representing James Enterprises. Also appearing was Barry Weiskopt, counsel for the property owner, James L. Sichette and William Monk. A letter in support of the Petition was also received from Lutherville Community Association. There were no Protestants present.

Mr. Monk testified and presented the plan. The relief requested and proposed use of the property is more particularly shown on the plat to accompany the Petitions, marked as Petitioners' Exhibit No. 14. Mr. Monk noted that the subject property is approximately .35 acres in size and is zoned B.L. It is located along the commercial/retail corridor of York Road in Lutherville. The subject lot is rectangular shaped and is approximately 80 ft. wide and 170 ft. deep. Access to same is provided by a 30 ft. wide curb cut along York Road. Further, the subject property is already improved with a block building which is 50 ft. wide and approximately 84 ft. deep. Mr. Monk noted that this building has featured a variety of uses, and most recently housed an oriental rug store. He noted that the Petitioners propose no exterior changes or enlargements to the subject structure, but plan to convert same to the proposed service garage.

A description of the proposed renovations and business was also offered. The building will be renovated so that access to same will be provided by a garage door in the front of the building. Within the building, there will be a parts and materials storage area, 5 service bays and a retail space. A total of 16 parking spaces are provided, including 11 outside

of the structure. The business will operate approximately 6 days per week, Monday thru Saturday and will provide tires, brake and similar repair facilities.

As to the special exception, Mr. Monk noted that the property owner previously requested an identical special exception under case No. 90-122-XA. Within that case, the property owner proposed use of the subject property as a Speedy Muffler Car Care Center. The subject Petition was approved, with restrictions, by then Zoning Commissioner, J. Robert Haines, on February 28, 1990.

It is clear that the B.C.Z.R. permits the proposed special exception use in a B.L. zone. It is equally clear that the same issues considered by Zoning Commissioner Haines in 1990 are applicable to the present use. In considering the evidence and testimony presented, I must conclude that the proposed special exception should be granted, due in part to the identical reasons noted by Commissioner Haines in his February 18, 1990 Order. Specifically, it is clear that the proposed use is not detrimental to the primary uses in the vicinity. The evidence presented overwhelmingly establishes that the proposed use will be conducted without real detriment to the neighborhood and will not adversely affect the public interest. It has been shown that the proposed use at the particular location will not have any adverse impact above and beyond that inherently associated with such a special exception use, irrespective of its location within a B.L. zone. Schultz v. Pritts, 291 Md. 1, 432 A2d 1319 (1981). There is no evidence that the proposed use will be detrimental to the health, safety or general welfare of the locality, nor tend to create congestion in roads, streets, or alleys therein, nor be inconsistent with the purposes of the property's zoning classification, nor in any other way be inconsistent with the spirit and

intent of the B.C.Z.R. It is to be further noted that the Petition for Special Exception enjoys support from the surrounding residential community, as shown within the letter submitted from the Lutherville Community Association. This letter notes that the association does not object to the proposed use, so long that same is restricted to the subject Lessee and that limits are imposed as to trash/used tire storage. The Petitioner has agreed to these restrictions and they will be incorporated within my Order.

As to the variance, Mr. Monk amended the Petition at the public hearing. Specifically, he noted that only one variance is necessary. Thus the Petition was amended to request only a variance from Section 409.4.C to allow a two-way travel aisle of 20 ft., in lieu of the required 22 ft., for 90 degree parking. The other requested variance stated in the Petition is withdrawn. The variance requested pertains to the rear area of the facility, which is intended to be used for employee parking. As noted on the site plan, the distance from the rear of the building to the rear property line is 38 ft. In that the employee parking spaces comply with the required 18 ft. dimension in depth, a 20 ft. aisle is provided for parking circulation, in lieu of the required 22 ft.

In considering the merits of the variance, I must be guided by the language of Section 307 of the B.C.Z.R. and the case law which has construed same. In essence, the Petitioners must show that a denial of the variance would result in practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;

ORDER RECEIVED FOR FILING  
Date 10/20/92  
By Mr. Monk

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Date 10/20/92  
By Mr. Monk

- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and

- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony, in this case, that the Petitioner has met his burden. In fact, there exists insufficient distance from the rear of the building to the rear property line to comply with the strict terms of the regulation. Clearly, the Petitioner will suffer practical difficulty if the variance is not granted. Further, there is no evidence that the granting of this variance would be contrary to the spirit of the B.C.Z.R. or would result in any detriment to the public health, safety and general welfare.

As to the Petition for Special Hearing, the requested relief therein relates to the terms and restrictions in Commissioner Haines' Order of February 28, 1990. Initially, the Petitioner seeks amendment of restriction No. 2 within that Order. Therein, Commissioner Haines provided that the special exception was limited to a Speedy Muffler Car Care Center only. He also provided that there should be no body and/or fender work performed on the premises. Clearly, the corporate identify of the lessee in the instant case is different. Thus, I shall grant the special hearing in this respect, thereby substituting Kimmel Automotive, Inc., t/a Discount Tire Express for the Speedy Muffler Car Care Center designation in restriction No. 2.

Second, the Petitioner seeks the elimination of restriction No. 3 in Commissioner Haines' Order. That restriction required compliance with the Zoning Plans Advisory Committee comments which had been made for the Petition for Special Exception before Commissioner Haines. As those comments have been rendered moot by the filing in the instant Petition, I am persuaded that that restriction should, likewise, be deleted. Thus, the Petition for Special Hearing will be granted in that respect, as well.

Third, the Petitioner seeks confirmation of a variance granted by Commissioner Haines to permit a 4 ft. parking setback from an existing right-of-way. The portion of the subject property which is involved in this request is the front part of same, immediately adjacent to York Road. As is the case with the special exception, the issue presented, both in 1990 and today, is the same and I see no reason to deviate from the prior ruling of Commissioner Haines. Owing to the site constraints and inherent limitations of the subject property, I believe that the requested variance should be confirmed as shown on the site plan.

The final issue within the Petition for Special Hearing is to remove the parking variance. A review of Zoning Commissioner Haines' previous Order discloses that the Petitioner requested a variance to permit 14 parking spaces in lieu of the required 15. However, the site plan offered in the instant case clearly shows that 16 spaces will be provided. Thus, a variance is not needed and the relief granted in the prior case shall be eliminated.

Notwithstanding my decision to grant the requested Petitions for the reasons set forth above, a response is in order to the comments offered by the Zoning Plans Advisory Committee. First, a comment was received from the Bureau of Traffic Engineering that the site plan should be revised so

as to be in accordance with the plan prepared by the Traffic Engineer. In fact, the site plan offered (Petitioners' Exhibit No. 14) satisfies that comment.

Second, it is to be noted that this plan is exempt from the development regulations, pursuant to Section 26-171(a)(7) of the Baltimore County Code. In fact, the Petitioners offered (Petitioners' Exhibit No. 3) a memorandum to that effect prepared by the Office of Planning and Zoning. Particularly in view of the active input already received from the community, I concur that a review of the Petitioners' plan through the development process is not necessary.

Last, the Petitioners noted that because no new construction was planned, landscaping is not required under County regulation. However, in order to improve the site, the Petitioners propose landscaping in accordance with that shown on Petitioners' Exhibit No. 14. Specifically, there will be plantings on the front of the site and maintenance of the existing buffer in the rear of the property. Further, the Petitioners expressed concern that the character of those plantings should be such so as to not interfere with the sight distance along York Road and obscure the permitted sign which is already on site. Specifically, the Petitioners wish to limit the proposed landscaping on the front of the property to one deciduous tree, so as to prevent interference with sight distance and signage. My review of these plans convinces me that the proposed landscaping is entirely appropriate and in keeping with the spirit of the regulations while recognizing the inherent limitations of the property. Thus, all landscaping requirements shall be deemed to have been satisfied by the Petitioners' development of the site in accordance with the site plan (Petitioners' Exhibit No. 14).

Pursuant to the advertisement, posting of the property, and public hearing on these Petitions held, and for the reasons given above, the relief requested should be granted.

IT IS THEREFORE ORDERED, by the Zoning Commissioner for Baltimore County, this 20th day of Oct., 1992, that the Petition for Special Exception for a service garage at the subject property in a B.L. zone, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Variance to permit a variance from Section 409.4.C. to allow a two way travel aisle of 20 ft., in lieu of the required 22 ft. for 90 degree parking, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Special Hearing to (1) amend restriction No. 2 within the prior Order for case No. 90-122-XA to permit a Discount Tire Express; (2) to remove restriction No. 3 in the aforesaid Order; (3) to confirm the variance granted in the prior Order to permit a parking setback of 4 ft. from an existing right-of-way; and (4) to remove a parking variance previously granted, be and is hereby GRANTED; all in accordance with the site plan (Petitioners' Exhibit No. 14) subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

1. The Petitioners may apply for its building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at its own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

2. The special exception granted herein will be limited to the operation of a Kimmel Automotive,

ORDER RECEIVED FOR FILING  
Date 10/20/92  
By Mr. Monk

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Date 10/20/92  
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Date 10/20/92  
By Mr. Monk

Inc. 1/A Discount Tire Express. There shall be no body and/or fender work performed on the site.

3. Landscaping shall be in accordance with that shown on Petitioners' Exhibit No. 14.

4. There shall be no damaged or disabled vehicles stored on the premises.

5. There shall be no pick up of used tires, trash and other debris, other than during the hours of 8:00 A.M. to 6:00 P.M., Monday thru Friday and 9:00 A.M. to 4:00 P.M. on Saturday.

LAWRENCE E. SCHMIDT  
Zoning Commissioner for  
Baltimore County

LES:mmm

Suite 113 Courthouse  
400 Washington Avenue  
Towson, MD 21204

(410) 887-4386

October 20, 1992

Mr. William Monk  
222 Bosley Avenue  
Towson, Maryland 21204

RE: Case No. 93-42-SPHXA  
Petitions for Special Hearing, Special Exception and Zoning  
Variance  
Kimmel Automotive, Inc., etc., James Enterprises, Petitioners

Dear Mr. Monk:

Enclosed please find the decision rendered in the above captioned case. The Petitions for Special Hearing, Special Exception and Zoning Variance have been granted, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,  
LAWRENCE E. SCHMIDT  
Zoning Commissioner

LES:mmm  
encl.

cc: Mr. Mark Hughes, Kimmel Automotive, Inc.  
cc: Barry Weiskopf, Esquire  
cc: M. William Furman, James Enterprises  
cc: James L. Sichette



## Petition for Special Hearing

93-42-SPHXA  
to the Zoning Commissioner of Baltimore County

for the property located at 1626 York Road

which is presently zoned BL

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve modifications to the approved plan and order in zoning case (Case #90-122XA) and (1) to amend restriction #2 to permit a Discount Tire Express; (2) to remove restriction #3; (3) to confirm the parking setback of 4' from an existing R/W (variance approved); (4) remove the parking variance

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Special Hearing advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

We do solemnly declare and affirm, under the penalties of perjury, that we are the legal owner(s) of the property which is the subject of this Petition.

Kimmel Automotive, Inc.  
T/A Discount Tire Express

505 Kane Street  
Baltimore, MD 21224

Attorney for Petitioner:

Signature

Address

City

James Enterprises

3625 Anton Farms Road 484-8633  
Baltimore, MD 21208

Attorney for Petitioner:

Signature

Address

City

ESTIMATED LENGTH OF HEARING

ALL OTHER

REVIEWED BY: WCR DATE: 8-10-92

NO REVIEW



## Petition for Special Exception

93-42-SPHXA  
to the Zoning Commissioner of Baltimore County

for the property located at 1626 York Road

which is presently zoned BL

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Regulations of Baltimore County, to use the herein described property for a service garage in a BL zone.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Special Exception advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

We do solemnly declare and affirm, under the penalties of perjury, that we are the legal owner(s) of the property which is the subject of this Petition.

Kimmel Automotive, Inc.  
T/A Discount Tire Express

505 Kane Street  
Baltimore, MD 21224

Attorney for Petitioner:

Signature

Address

City

James Enterprises

3625 Anton Farms Road 484-8633  
Baltimore, MD 21208

Attorney for Petitioner:

Signature

Address

City

ESTIMATED LENGTH OF HEARING

ALL OTHER

REVIEWED BY: DATE



## Petition for Variance

93-42-SPHXA  
to the Zoning Commissioner of Baltimore County

for the property located at 1626 York Road  
which is presently zoned BL

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 409.4(A) and C to permit a two way driveway/travel aisle 12.5' in lieu of the required 20' and Section 409.4(c) to allow a 2 way travel aisle of 20' in lieu of 22' for 90° parking.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (Indicate hardship or practical difficulty)

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Kimmel Automotive, Inc.  
T/A Discount Tire Express

505 Kane Street  
Baltimore, MD 21224

Attorney for Petitioner:

Signature

Address

City

We do solemnly declare and affirm, under the penalties of perjury, that we are the legal owner(s) of the property which is the subject of this Petition.

James Enterprises

3625 Anton Farms Road 484-8633  
Baltimore, MD 21208

Attorney for Petitioner:

Signature

Address

City

ESTIMATED LENGTH OF HEARING

ALL OTHER

REVIEWED BY: WCR DATE: 8-10-92

NO REVIEW

ZONING DESCRIPTION  
1626 YORK ROAD  
8TH ELECTION DISTRICT  
BALTIMORE COUNTY, MARYLAND

BEGINNING AT A POINT ON THE WEST SIDE OF YORK ROAD, 66 FEET WIDE, A DISTANCE OF 695 FEET, MORE OR LESS, NORTH OF THE INTERSECTION OF MELANCTON AVENUE, 50 FEET WIDE, THENCE RUNNING THE FOLLOWING COURSES AND DISTANCES:

- 1) NORTH 13 DEGREES 32 MINUTES WEST 80.01 FEET
- 2) SOUTH 74 DEGREES 52 MINUTES WEST 171.66 FEET
- 3) SOUTH 14 DEGREES 44 MINUTES EAST 74.29 FEET
- 4) NORTH 76 DEGREES 47 MINUTES EAST 170.04 FEET

TO THE POINT OF BEGINNING.

CONTAINING 0.303 ACRES OF LAND, MORE OR LESS.

## CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY 93-42-SPHXA  
Towson, Maryland

District: 8th Date of Posting: 9/11/92

Posted for: Special Hearing & Exception Variance

Petitioner: Kimmel Automotive, Inc. T/A Discount Tire Express

Location of property: 1626 York Rd (var), 695' x N/Melancton Ave

Location of Sign: 1626 York Rd, on property of Kimmel Automotive, Inc.

Remarks:

Posted by: M. William Furman Date of return: 9/18/92

Number of Signs: 3

## CERTIFICATE OF PUBLICATION

TOWSON, MD., 9/14, 1992

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 9/13, 1992

THE JEFFERSONIAN,

S. Zeke Orlov  
Publisher



Baltimore County  
Zoning Commissioner  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

receipt

Date

Account: R 001-6150  
Number

8/11/92

PUBLIC HEARING FEES

020 - ZONING VARIANCE OTHER

040 - SPECIAL HEARING OTHER

050 - SPECIAL EXCEPTION

070 - SUM OF ABOVE FEES (MAXIMUM)

Please Make Checks Payable To: Baltimore County \$650.00

Cashier Validation

LAST NAME OF OWNER: GIBBS



Baltimore County  
Zoning Administration &  
Development Management  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

receipt

Date

Account: R 001-6150  
Number

Hearings 10-1-92

93-42

PUBLIC HEARING FEES

020 - ZONING VARIANCE OTHER

040 - SPECIAL HEARING OTHER

050 - SPECIAL EXCEPTION

070 - SUM OF ABOVE FEES (MAXIMUM)

Please Make Checks Payable To: Baltimore County

Cashier Validation



111 West Chesapeake Avenue  
Towson, MD 21204

(410) 887-3353

DATE: 9-16-92

Kimmel Automotive, Inc.  
505 Kane Street  
Baltimore, Maryland 21224

RE:  
CASE NUMBER: 93-42-SPHA (Item 48)  
4/5 York Road, 695' (+/-) N of Malachuk Avenue  
1626 York Road  
8th Election District - 4th Councilmanic  
Legal Owner(s): James Enterprises  
Lessee: Kimmel Automotive, Inc., t/a Discount Tire Express  
HEARING: THURSDAY, OCTOBER 1, 1992 at 11:30 a.m. in Rm. 106, Old Courthouse

Dear Petitioner(s):

Please be advised that \$ 139.50 is due for advertising and posting of the above captioned property and hearing date.

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please forward your check via return mail to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 109, Towson, Maryland 21204. Place the case number on the check and make same payable to Baltimore County, Maryland. In order to avoid delay of the issuance of proper credit and/or your order, immediate attention to this matter is suggested.

ARNOLD JABLON  
DIRECTOR

cc: William Monk, Inc.

111 West Chesapeake Avenue  
Towson, MD 21204

(410) 887-3353

AUGUST 28, 1992

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 93-42-SPHA (Item 48)  
4/5 York Road, 695' (+/-) N of Malachuk Avenue  
1626 York Road  
8th Election District - 4th Councilmanic  
Legal Owner(s): James Enterprises  
Lessee: Kimmel Automotive, Inc., t/a Discount Tire Express  
HEARING: THURSDAY, OCTOBER 1, 1992 at 11:30 a.m. in Rm. 106, Old Courthouse

Special Hearing to approve modifications to the approved plan and order in zoning case #90-122-14; to amend restriction #2 to permit a Discount Tire Express; to remove restriction #3; to confirm the parking setback of 4 feet from an existing right-of-way (variance approved); and to remove the parking variance. Special Exception for a service garage.  
Variance to permit a two-way driveway/travel aisle 12.5 in lieu of the required 20 ft.; and to allow a two-way travel aisle of 20 ft. in lieu of 22 ft. for 90 degree parking.

*Lawrence E. Schmidt*  
Lawrence E. Schmidt

Zoning Commissioner of  
Baltimore County

cc: James Enterprises  
Kimmel Automotive, Inc.  
William Monk, Inc.

NOTE: HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.

111 West Chesapeake Avenue  
Towson, MD 21204

(410) 887-3353

September 22, 1992

Mr. M. William Furman, General Partner  
James Enterprises  
3625 Anton Farms Road  
Baltimore, Md 21208

RE: Item No. 48, Case No. 93-42-SPHA  
Petitioner: James Enterprises, et al  
Petition for Variance & Special Hearing

Dear Mr. Furman:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e. Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by Zoning personnel.

Zoning Plans Advisory Committee Comments  
Date: September 22, 1992  
Page 2

2) Anyone using this system should be fully aware that they are responsible for the accuracy and completeness of any such petition. All petitions filed in this manner will be reviewed and commented on by Zoning personnel prior to the hearing. In the event that the petition has not been filed correctly, there is always a possibility that another hearing will be required or the Zoning Commissioner will deny the petition due to errors or incompleteness.

3) Attorneys, engineers and applicants who make appointments to file petitions on a regular basis and fail to keep the appointment without a 72 hour notice will be required to submit the appropriate filing fee at the time future appointments are made. Failure to keep these appointments without proper advance notice, i.e. 72 hours, will result in the forfeiture loss of the filing fee.

Very truly yours,  
*W. Carl Richards, Jr.*  
W. Carl Richards, Jr.  
Zoning Coordinator

WCR:hek

Enclosures

cc: Kimmel Automotive, Inc., 505 Kane Street, Baltimore, MD 21224

Mr. William Monk, 222 Bosley Ave. STE B-7, Towson, MD 21204

111 West Chesapeake Avenue  
Towson, MD 21204

(410) 887-3353

Your petition has been received and accepted for filing this 10th day of August, 1992

*Arnold Jablon*  
ARNOLD JABLON  
DIRECTOR

Received By:  
*W. Carl Richards, Jr.*  
Chairman,  
Zoning Plans Advisory Committee

Petitioner: James Enterprises, et al  
Petitioner's Attorney:

Project Name	Waiver Number	Zoning Issue	Meeting Date
James Enterprises			8-24-92 NC
DED DEPRM RP STP TE			
White Marsh Joint Venture	49		NC
DED DEPRM RP STP TE			
Salvo Realty, Inc.	50		Comment
DED DEPRM RP STP TE			
Robert T. and Lorri A. Burgess	51		Comment
DED DEPRM RP STP TE			
Chester L. And Virginia J. Farley	52		NC
DED DEPRM RP STP TE			
Mark Allan Claypoole	53		NC
DED DEPRM RP STP TE			
Ritz Enterprises	55		NC
DED DEPRM RP STP TE			
Glenda L. Mosley	56		Comment
DED DEPRM RP STP TE			
Etta E. Plonden and Joan and Garland Arrington	57		NC
DED DEPRM RP STP TE			

COUNT 20

FINAL TOTALS  
COUNT 21

\*\*\* END OF REPORT \*\*\*

93-42-SPHA OCT 1

BALTIMORE COUNTY, MARYLAND  
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director  
Zoning Administration & Development Management

FROM: Office of Planning and Zoning

DATE: September 15, 1992

SUBJECT: Kimmel Automotive, Inc.

INFORMATION:

Item Number: 48B

Petitioner: Kimmel Automotive, Inc.

Property Size: 0.35 acres

Zoning: B.L.

Requested Action: Special Exception, Variance

Hearing Date: / /

SUMMARY OF RECOMMENDATIONS:

This particular property will come before the Hearing Officer for approval of its development plan. At that particular time, the Hearing Officer will rule on any variances, special exceptions or special hearings affecting the site in addition to taking final action on the development plan.

The Office of Planning and Zoning's comments are included as part of the development plan file.

Prepared by: *Francis Murray*

Division Chief: *Chris McDaniell*

PK/EHCD/FM:rdn

BUREAU OF TRAFFIC ENGINEERING  
DEPARTMENT OF PUBLIC WORKS  
BALTIMORE COUNTY, MARYLAND

DATE: September 4, 1992

TO: Mr. Arnold Jablon, Director  
Office of Zoning Administration  
and Development Management

FROM: Rahee J. Famili

SUBJECT: Z.A.C. Comments

Z.A.C. MEETING DATE: August 24, 1992

ITEM NUMBER: 48

1) The plan needs to be revised according to the attached sketch.  
2) Access to York Road is subject to SHA approval.

*Rahee J. Famili*  
Rahee J. Famili  
Traffic Engineer II

RJF/lvd

RECEIVED  
SEP 9 1992  
ZONING OFFICE

48B.ZAC/ZAC1

Department of Environmental, Protection & Resource Management  
Development Review Committee Response Form  
Authorized signature \_\_\_\_\_ Date 9-10-92

Project Name	Waiver Number	Zoning Issue	Meeting Date
Allan L. Snyder Et. Al.	36	8-24-92	
DEPRM STP		W/No Comments	
Adela M. Lombardi And Florence Kunsky	38	In process	
DEPRM			
Helaine G. And Melvin R. Trosch	39	In process	
DEPRM			
Baltimore Country Club of Baltimore City	40	In process	
DEPRM STP			
Robert E. And Cynthia A. Lyons	43	No comments	
DEPRM			
Perring Woods Court Corporation	44	In process	
DEPRM STP			
Perring Woods Court Corporation	45	In process	
DEPRM STP			
Helen Mooney Murphy	46	In process	
DEPRM			
Michael E. Turley	47	In process	
DEPRM STP			
James Enterprises	48	No comments	
DEPRM STP TE			
White Marsh Joint Venture	49	No comments	
DEPRM STP			
Salvo Realty, Inc.	50	W/No Comments	
DEPRM STP TE			

700 East Joppa Road Suite 901  
Towson, MD 21204-5500  
AUGUST 24, 1992  
(410) 887-4500

Arnold Jablon  
Director  
Zoning Administration and  
Development Management  
Baltimore County Office Building  
Towson, MD 21204

RE: Property Owner: JAMES ENTERPRISES

Location: #1626 YORK ROAD

Item No.: +48 (WCR) Zoning Agenda: AUGUST 24, 1992

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1988 edition prior to occupancy.

12.5' DRIVEWAY SHALL BE POSTED FOR A FIRE LANE ALONG CURB SIDE OF DRIVE.

REVIEWER: Carl J. J. J. Noted and Approved  
Planning/Code Special Inspection Division Fire Prevention Bureau

JP/KEK

RECEIVED  
AUG 27 1992  
ZONING OFFICE

Department of Recreation and Parks  
Development Review Committee Response Form  
Authorized signature \_\_\_\_\_ Date 8/31/92

Project Name	Waiver Number	Zoning Issue	Meeting Date
Robert E. And Cynthia A. Lyons	43	No Comment	8-24-92
DEPRM RP STP TE			
Perring Woods Court Corporation	44	No Comment	
DEPRM RP STP TE			
Perring Woods Court Corporation	45	No Comment	
DEPRM RP STP TE			
Helen Mooney Murphy	46	No Comment	
DEPRM RP STP TE			
Michael E. Turley	47	No Comment	
DEPRM RP STP TE			
James Enterprises	48	No Comments	
DEPRM RP STP TE			
White Marsh Joint Venture	49	No Comments	
DEPRM RP STP TE			
Salvo Realty, Inc.	50	No Comment	
DEPRM RP STP TE			
Robert T. and Lorri A. Burgess	51	No Comment	
DEPRM RP STP TE			
Chester L. And Virginia J. Farley	52	No Comment	
DEPRM RP STP TE			
Mark Allan Claypoole	53	No Comment	
DEPRM RP STP TE			
Ritz Enterprises	55	No Comment	
DEPRM RP STP TE			

BALTIMORE COUNTY, MARYLAND  
Inter-Office Correspondence

TO: Avery Hardin  
Landscape Architect  
Office of Planning and Zoning  
DATE: November 30, 1992

FROM: Lawrence E. Schmidt  
Zoning Commissioner

SUBJECT: Case No. 93-42-SPHX  
Legal Owner: James Enterprises  
Lessee: Kimmel Automotive, Inc.  
Hearing date: October 1, 1992

I wanted to formally touch base with you to follow up our recent telephone conversation about the above case.

First, I want to thank you for our frank discussion regarding the general implementation of landscape restrictions in my Orders. In most cases, I intend on deferring to your expertise in this regard and will restrict my Orders with language providing that, "the petitioner shall provide landscaping in accordance with that set forth on the attached landscaping plan identified herein as \_\_\_\_\_, which shall be further approved by the Baltimore County Landscaping Planner". This will enable you to work out the details of any landscape plan without involvement from my office other than the general proviso that the zoning plan is approved subject to proper landscaping.

However, the case involving the proposed Kimmel Automotive Shop on York Road presents a different question. The testimony and evidence presented at that hearing was that the property was being converted from a retail rug store to the Kimmel Service Garage. There was to be no construction on the property, be it a building, parking lot, grading, etc. The only renovations to be made were internal to the structure. Based on these representations by the Petitioner, I understood that a landscape plan would not be necessary in that a grading or building permit would not be issued. The Petitioner offered to make several landscaping improvements to the property, as more fully explained in my Order. It was my feeling that the Petitioner's landscape plan, as proposed, should be adopted and incorporated in my Order. I believe that any improvement is better than none; in that we could not require the Petitioner to do any landscaping, since no building grading or similar permits need be issued. Therefore, I would appreciate your processing this plan in accordance with our conversation as reflected above.

If you wish to discuss this, or any other matter, please do not hesitate to give me a call.

LES:mmm

BALTIMORE COUNTY, MARYLAND  
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director  
Zoning Administration & Development Management

FROM: Pat Keller, Deputy Director  
Office of Planning and Zoning

DATE: September 1, 1992

SUBJECT: Kimmel Automotive, Inc.

INFORMATION:

Item Number: 48

Petitioner: Kimmel Automotive, Inc.

Property Size: 0.35 acres

Zoning: B.L.

Requested Action: Special Exception, Variance, Special Hearing

Hearing Date: / /

SUMMARY OF RECOMMENDATIONS:

This petitioner is requesting a special exception for a service garage in a B.L. zone, a variance to permit a two way travel aisle of 12.5 feet in lieu of the required 20 feet also to allow a two way travel aisle of 20 feet in lieu of 22 feet for 90 degree parking. A special hearing to approve modifications to an approved plan in zoning case 90-122XA, also to amend restriction #2 to permit a Discount Tire Express, to remove restriction #3, to confirm the parking setback of 4 feet from an existing right-of-way and to remove the parking variance.

The Office of Planning and Zoning recommends APPROVAL of the petitioner's request provided the following conditions are met:

1. Prior to the issuance of any permits, the petitioners shall submit a Landscape Plan for approval by the Deputy Director of Planning and the Landscape Planner for Baltimore County. A copy of the approved plan shall be submitted to the Zoning Commissioner for inclusion in the case file prior to the issuance of any permits. Particular attention should be given to the streetscape treatment along York Road. However, permission will have to be granted for landscaping in the right-of-way from the State Highway Administration.

ZAC COMMENTS

2. The Office of Planning and Zoning will not support any requests for sign variances.

Prepared by: Francis Morley

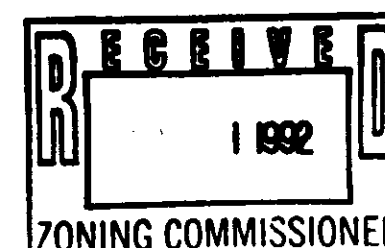
Division Chief: Eric McDaniel

FM/PK/EMcD:prh



September 29, 1992

Mr. Lawrence Schmidt  
Zoning Commissioner  
County Office Building  
Towson, Maryland 21204



Re: Kimmel Automotive  
T/A Discount Tire  
Express

Case 93-42-SPHX

Dear Mr. Schmidt:

The Lutherville Community Association has met with a representative of Kimmel Automotive and has reviewed their petitions, copies of which are attached. We have no objections to the proposals outlined in these petitions because we do not believe this business will interfere with our community if the petitions are granted.

We do, however, have one concern outside the parameters of these petitions that we do believe needs to be addressed. This business will have both a trash dumpster and a used tire depository located at the rear of the building. We believe that the disposal of these waste materials should be restricted to certain hours of the day so that the noise associated with this activity would not interfere with the quiet nature of the community. Specifically, we would like to restrict pickup to the hours of 8:00 AM until 6:00 PM. We would ask that you are favorably disposed to place such a limit on the lessee.

Additionally, we would also request that if you are disposed to grant the various petitions, these exceptions should be limited to the current proposed use by the lessee, Discount Tire. We would not want to see these benefits accrue to another tenant, who may have a slightly different use for the property, without having the opportunity for additional input.

Sincerely,  
Eric Rockel  
Eric Rockel  
Zoning Committee

Lutherville  
Community Association  
Post Office Box 6  
Lutherville, Maryland 21093

WILLIAM MOORE, INC.

LAND USE PLANNING • ENVIRONMENTAL PLANNING • ZONING

CAMPBELL BUILDING  
SUITE 300  
100 W. PENNSYLVANIA AVE.  
TOWSON, MD 21204  
301-484-8831

700 LITTLE RIVER TURNPIKE  
SUITE 500  
ANNANDALE, VA 22003  
703-941-1830

LETTER OF TRANSMITTAL

DATE	8/5/92	OUR JOB NO.	48
FILE NO.		YOUR JOB NO.	
ATTENTION	CARL RICHARDS		
RE	1626 YORK ROAD		

TO: ZAC

93-42-SPHX

GENTLEMEN:

WE ARE SENDING YOU ☒ Attached ☐ Under separate cover via \_\_\_\_\_ the following items:

☐ Shop drawings ☒ Prints ☐ Plans ☐ Submittals ☒ Specifications  
☐ Copy of letter ☐ Change order ☐

DRAWING NO.	FILE NO.	DESCRIPTION	ACTION
3/9		APPLICATION FORMS	
		SPECIAL EXCEPTION/SH/VARIANCE	
3		ZONING DESCRIPTION	
1		20' SIDE ZONING MAP	
12		PRINTS	
1		CHECK - 650 - APP PERS	

THESE ARE TRANSMITTED AS CHECKED BELOW:

☐ For approval ☐ As requested ☐ Submit \_\_\_\_\_ copies for distribution  
☐ For your use ☐ Resubmit \_\_\_\_\_ copies for approval ☐ Return \_\_\_\_\_ corrected prints  
☐ For review and comment ☐  
☐ FOR BIDS DUE \_\_\_\_\_ 19\_\_\_\_ ☐ PRINTS RETURNED AFTER LOAN TO US

REMARKS:

NO OUTSTANDING ZONING VIOLATIONS  
JOHN LEWIS HAS MADE A PRELIMINARY REVIEW

COPY TO:

SIGNED: W. F. Mall

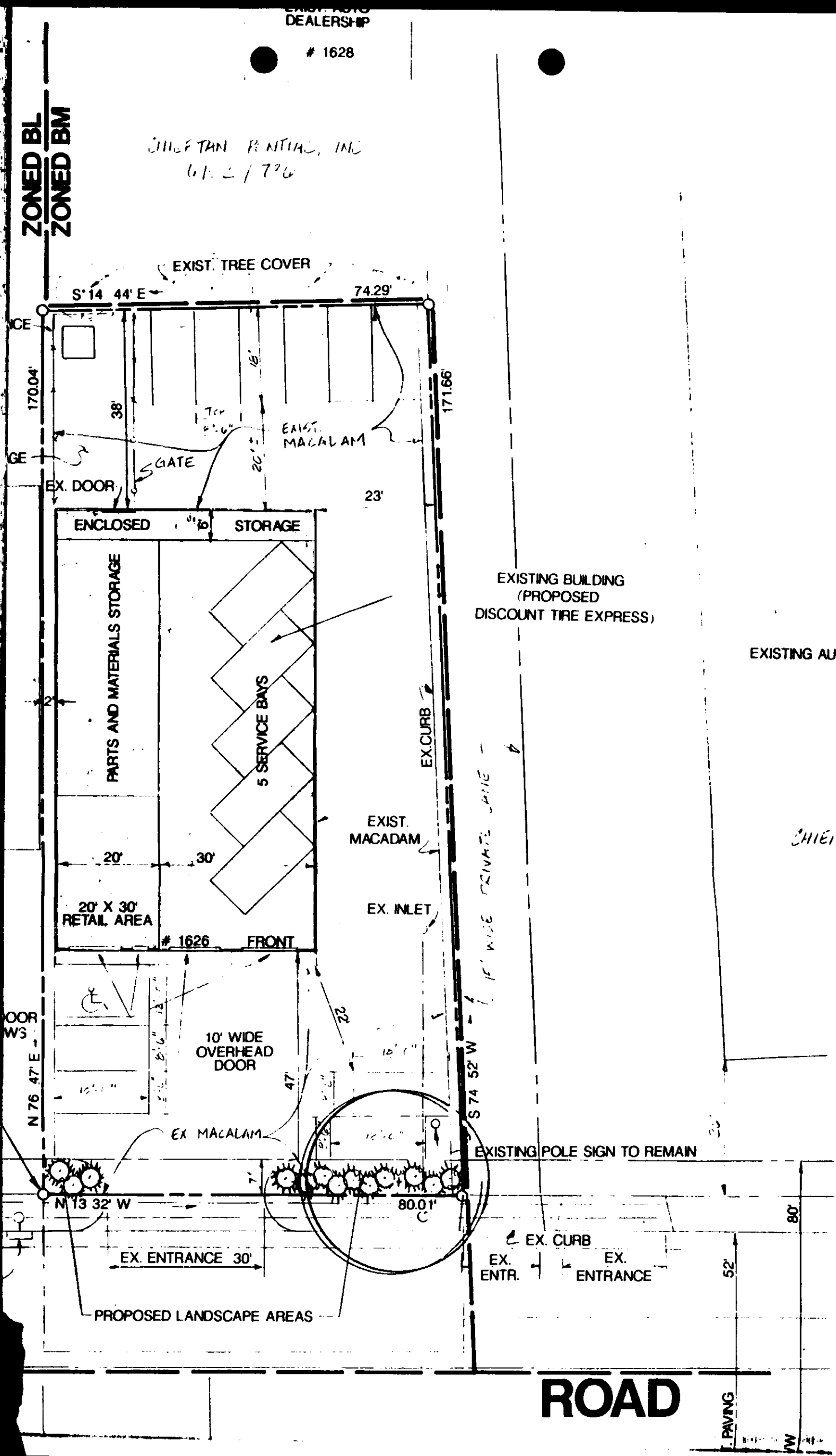
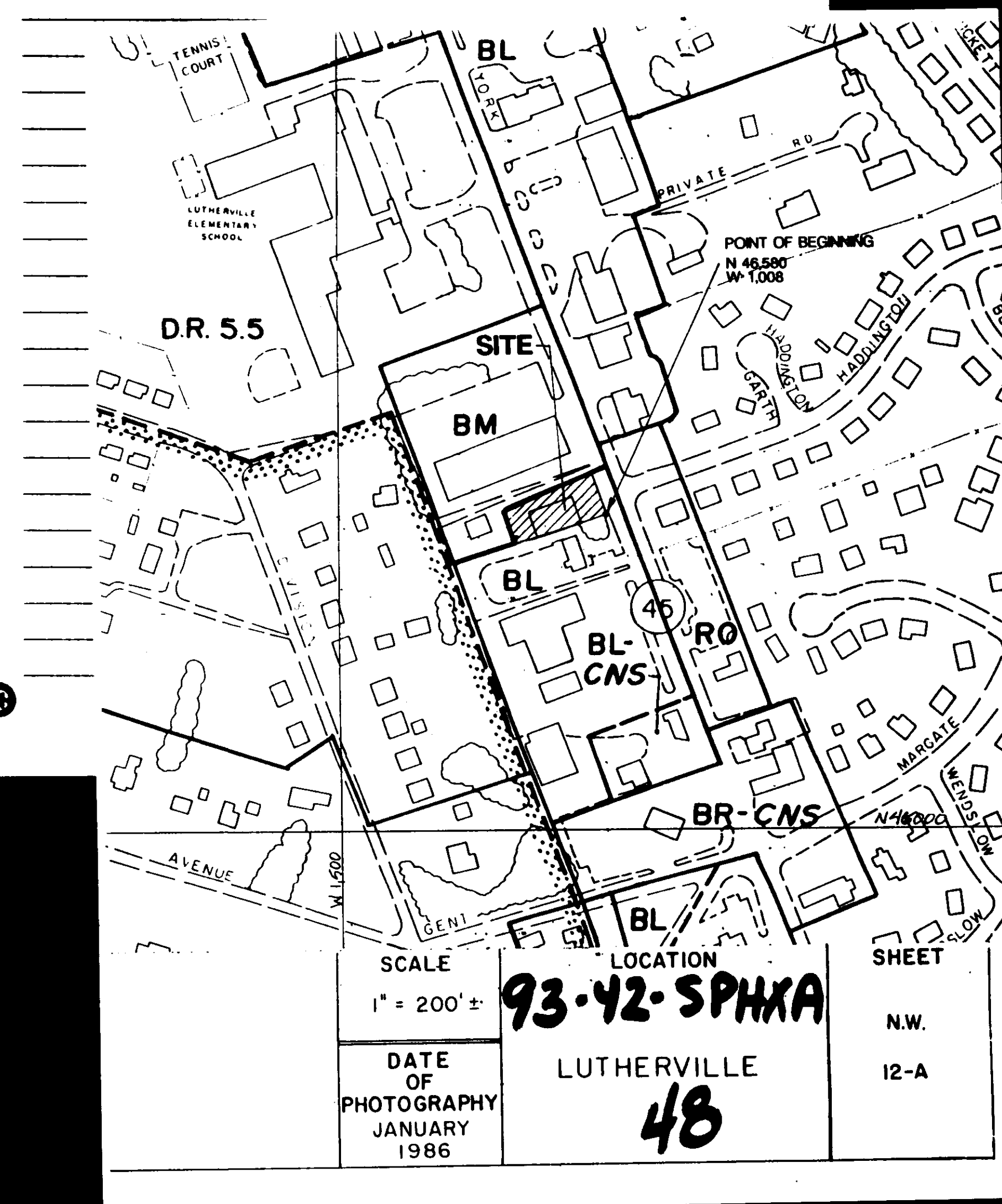
If enclosures are not as noted, kindly notify us at \_\_\_\_\_



PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME	ADDRESS
P. Monk	222 Bosley Ave
Trade Agency	505 Kane St. Suite 21224
Benny Waskopf	20 S. Charles St. Suite 21201
Bill Jumper	3625 Anten Foreman
James K. Schmitt	200 Dorchester St. Suite 21085



KIMMEL AUTOMOTIVE, INC.

September 24, 1992

Mr. Lawrence E. Schmidt  
Zoning Commissioner of Baltimore County  
111 West Chesapeake Avenue  
Towson, Maryland 21204

Re: Case No. 93-42-SPHXA (Item 48)  
1626 York Road

Dear Sir:

Unfortunately, I will be out-of-town on business on the date of hearing, October 1, 1992. In my absence, Mr. Mark Hughes, our Controller, will be representing Kimmel Automotive, Inc.

Sincerely,

*Anthony J. Sudano*  
Anthony J. Sudano  
Division Manager

C.C. M. Hughes  
W. Monk

ENCLOSURE No 1

Main Office • 505 Kane Street • Baltimore, Maryland 21224-2983 • (410) 633-3300 • FAX (410) 633-2516  
KIMMEL TRUCK TIRES • KIMMEL TIRE AND AUTO CENTERS • DISCOUNT TIRE EXPRESS • TREAD QUARTERS

BALTIMORE COUNTY, MARYLAND  
INTER-OFFICE CORRESPONDENCE

TO: Les Schreiber  
Development Coordinator  
Bureau of Public Services

DATE: September 22, 1992

FROM: Ervin Mc Daniel  
Office of Planning and Zoning

SUBJECT: 1926 York Road, Discount Tire Express

The Office of Planning and Zoning recommends to the Development Review Committee that a limited exemption under Section 26-171(a)(7) of the Development Regulations be granted for the above reference property.

EMCD:rdn

Development Review Committee  
Request Form

Copies of the Plan are Required FEE: \$250 (payable to Baltimore County and is non-refundable)

Applicant Name: WILLIAM P. MONK Filing Date: 8-6-92

Address: 222 BOSLEY AVE. Phone #: (410) 494-0931

TOWSON, MD. 21204

Project Name: DISCOUNT TIRE EXPRESS File #:

Location: 1626 YORK RD. ADC Map #: 13A-13

Councilmanic District: 4 Election District: B

Request: (Attach letter if necessary)

SEE LETTER - LT'D EXEMPT - 26-171(a)(7)

Committee Action:

- ( ) Material Amendment
- ( ) Non-material Amendment
- ( ) Plan Correction
- ( ) Waiver: ( ) Planning Board ( ) Hearing Officer
- ( ) Technical Variance referred to
- ( ) Zoning: ( ) SPH ( ) SPX ( ) Variance
- ( ) Other DENIAL

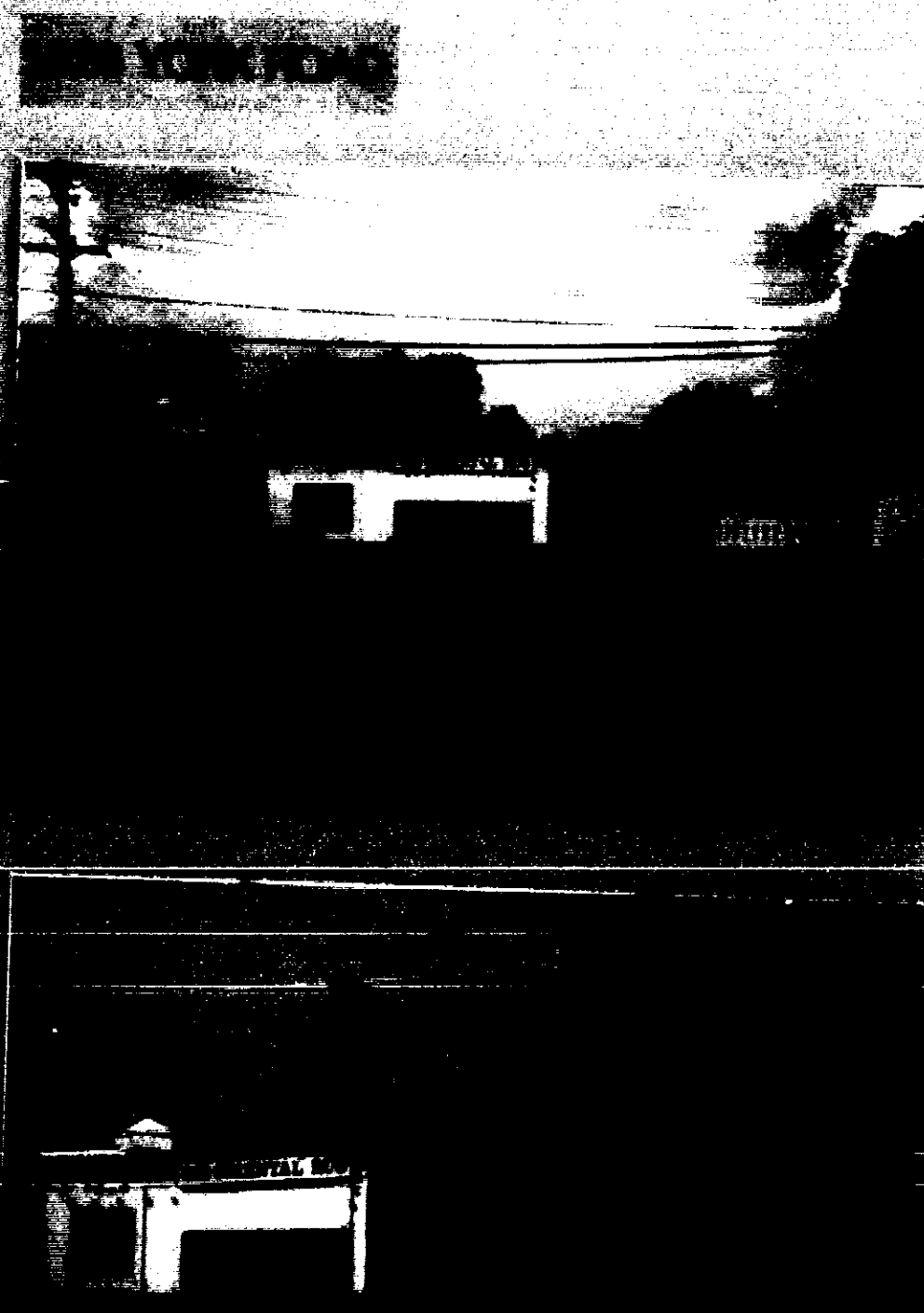
COMMITTEE COMMENTS: DO TO THE ACTIVE PARTICIPATION FROM THE SURROUNDING RESIDENTIAL COMMUNITY THIS PROJECT MUST PROCEED VIA THE NEW DEVELOPMENT REGULATIONS AS OUTLINED IN BALT. COUNTY COUNCIL BILL 1-92. WE SUGGEST THAT THE CURRENT PLAN CONF. BE ARRANGED WITH THE BUREAU OF PUBLIC SERVICES. TO DO SO PLEASE CONTACT: M. H. GAGNE @ 807-3340

Be Advised That This Project Will Require A Zoning Hearing For A Special Exemption.

Signature of Coordinator: Les Schreiber Meeting Date: 8-31-92

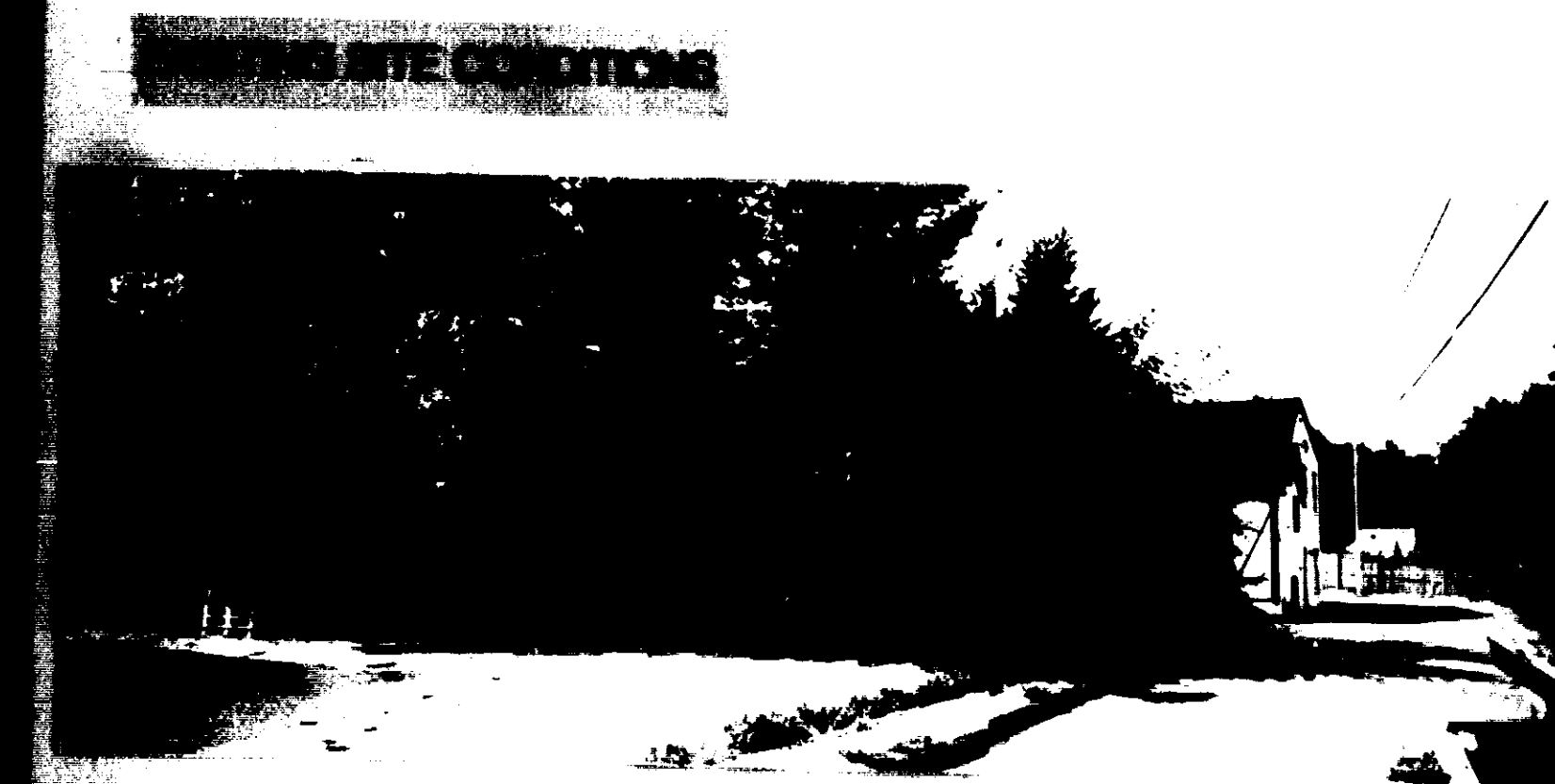
WILLIAM MONK, INC.

LAND USE PLANNING • ENVIRONMENTAL PLANNING • ZONING



WILLIAM MONK, INC.

LAND USE PLANNING • ENVIRONMENTAL PLANNING • ZONING



TO BE FILLED OUT BY COUNTY

SEE LETTER - LT'D EXEMPT - 26-171(a)(7)

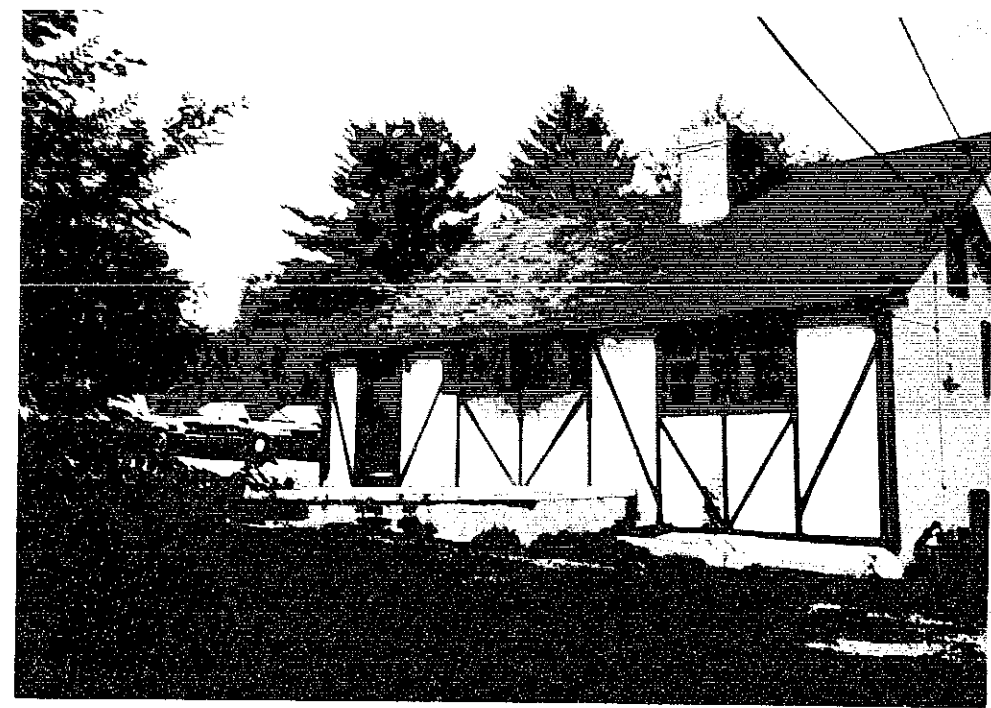


**WILLIAM MONK, INC.**

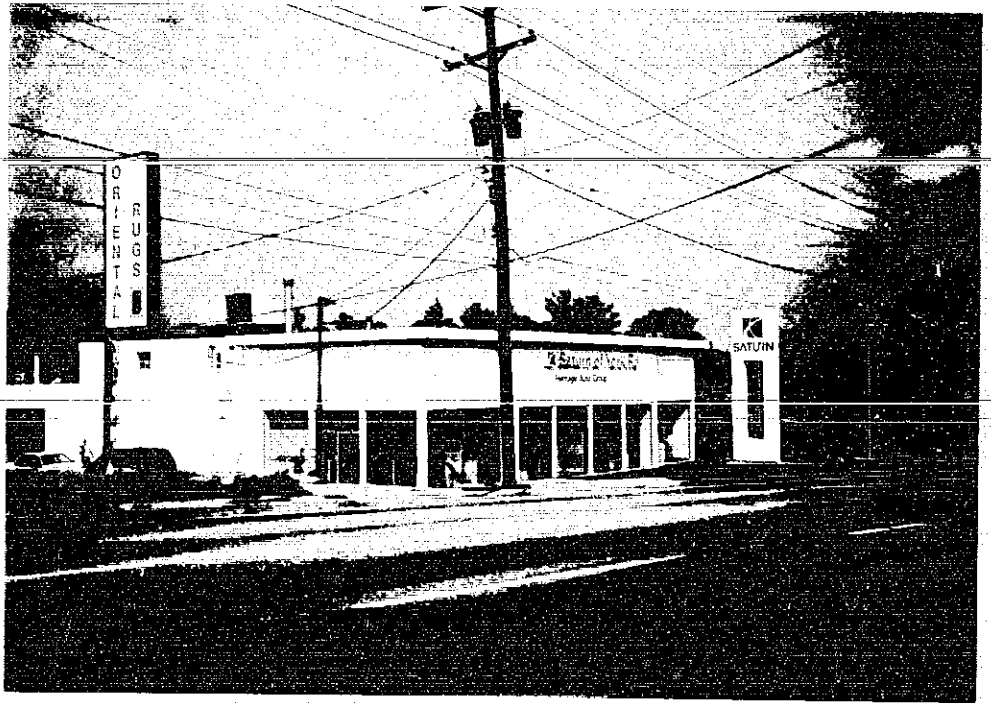
WILLIAM MONK, INC.  
Courthouse Commons  
222 Bosley Avenue, Suite B-7  
Towson, Maryland 21204-4300

LAND USE PLANNING • ENVIRONMENTAL PLANNING • ZONING

**ADJACENT LAND USE**



WEST  
(TO REAR OF SITE)



NORTH

**WILLIAM MONK, INC.**

WILLIAM MONK, INC.  
Courthouse Commons  
222 Bosley Avenue, Suite B-7  
Towson, Maryland 21204-4300

LAND USE PLANNING • ENVIRONMENTAL PLANNING • ZONING

**ADJACENT LAND USE**



SOUTH

**WILLIAM MONK, INC.**

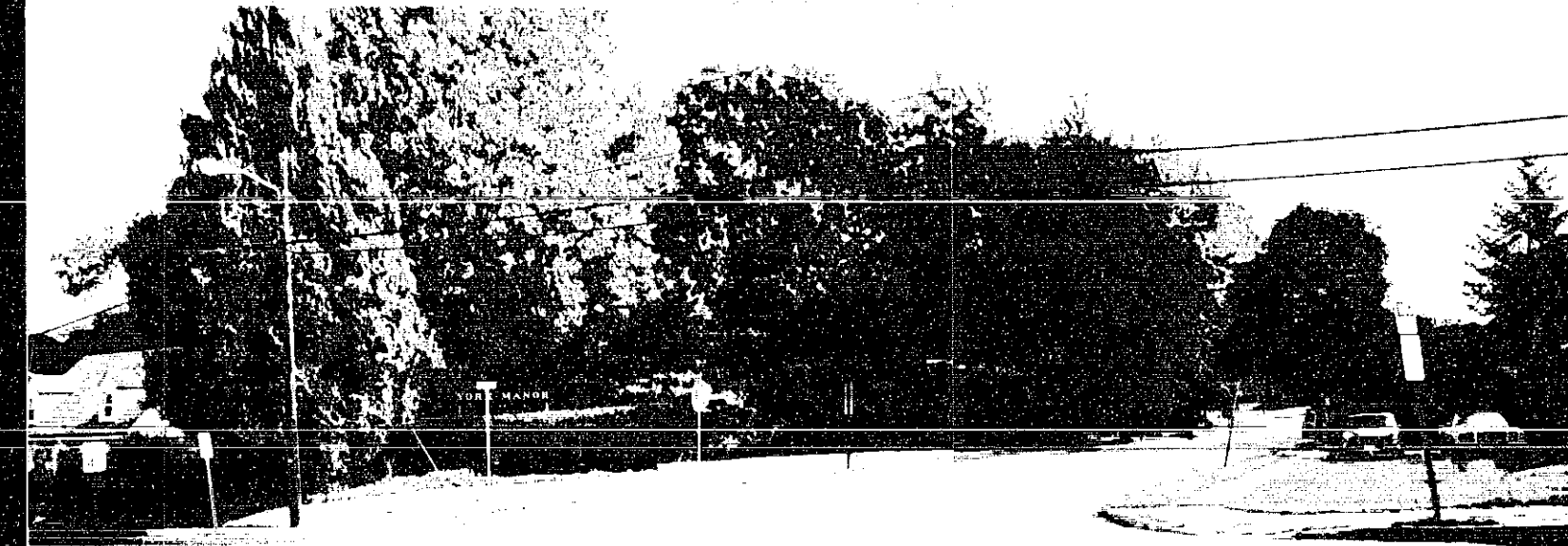
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Courthouse Commons  
222 Bosley Avenue, Suite B-7  
Towson, Maryland 21204-4300

LAND USE PLANNING • ENVIRONMENTAL PLANNING • ZONING

**ADJACENT LAND USE**



EAST SIDE OF  
YORK ROAD



EAST SIDE OF YORK ROAD

**WILLIAM MONK, INC.**

WILLIAM MONK, INC.  
Courthouse Commons  
222 Bosley Avenue, Suite B-7  
Towson, Maryland 21204-4300

LAND USE PLANNING • ENVIRONMENTAL PLANNING • ZONING

**YORK ROAD: LOOKING NORTH**



**WILLIAM MONK, INC.**

WILLIAM MONK, INC.  
Courthouse Commons  
222 Bosley Avenue, Suite B-7  
Towson, Maryland 21204-4300

LAND USE PLANNING • ENVIRONMENTAL PLANNING • ZONING

**YORK ROAD: LOOKING SOUTH**



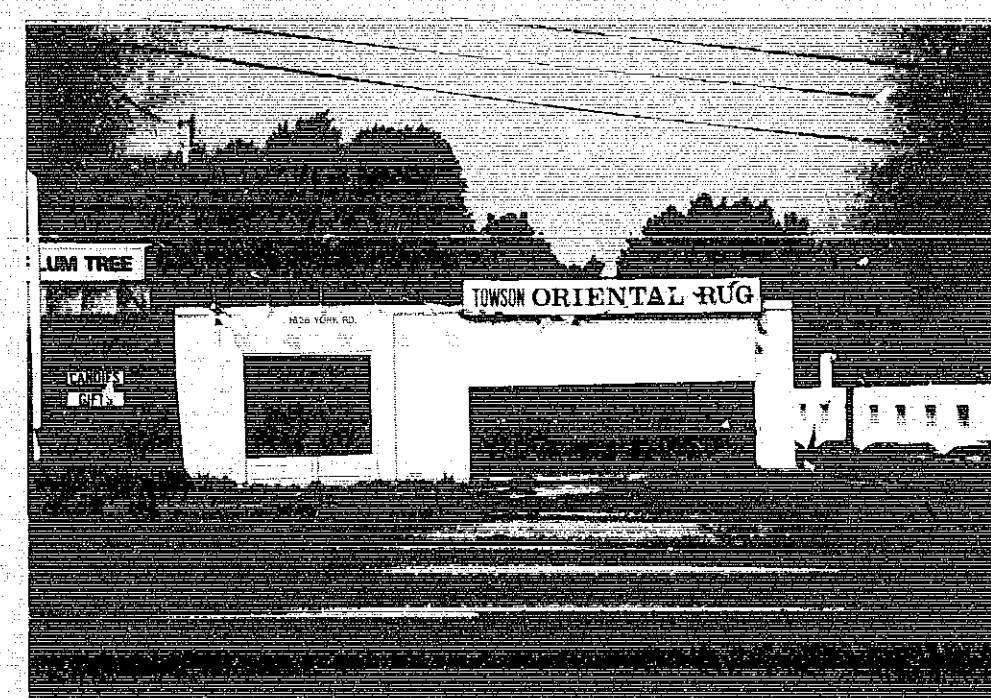
**WILLIAM MONK, INC.**

WILLIAM MONK, INC.  
Courthouse Commons  
222 Bosley Avenue, Suite B-7  
Towson, Maryland 21204-4300

LAND USE PLANNING • ENVIRONMENTAL PLANNING • ZONING



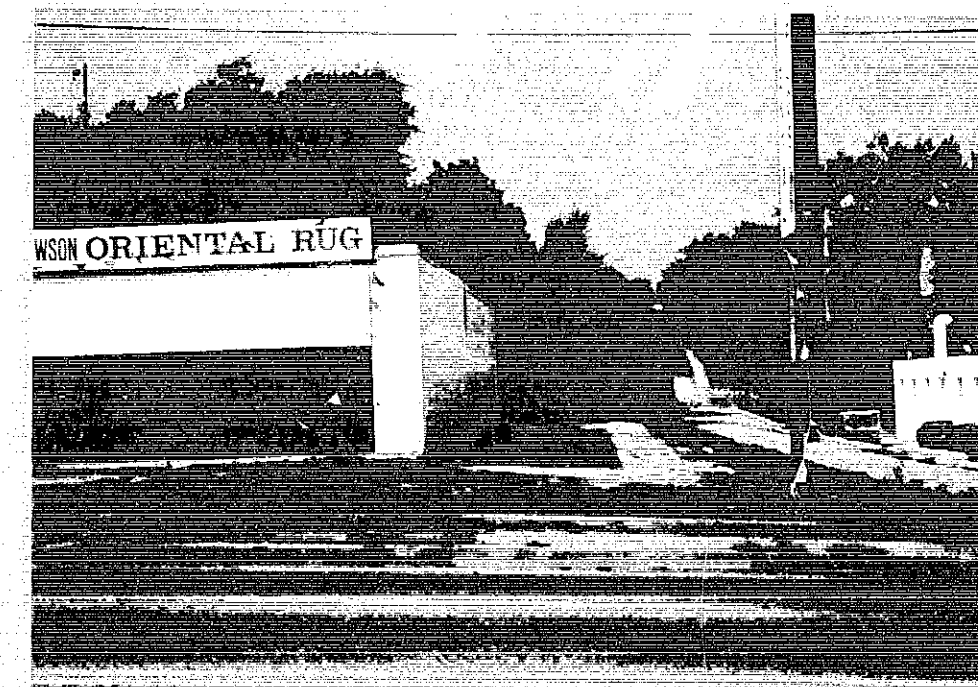
EXISTING SIGNAGE



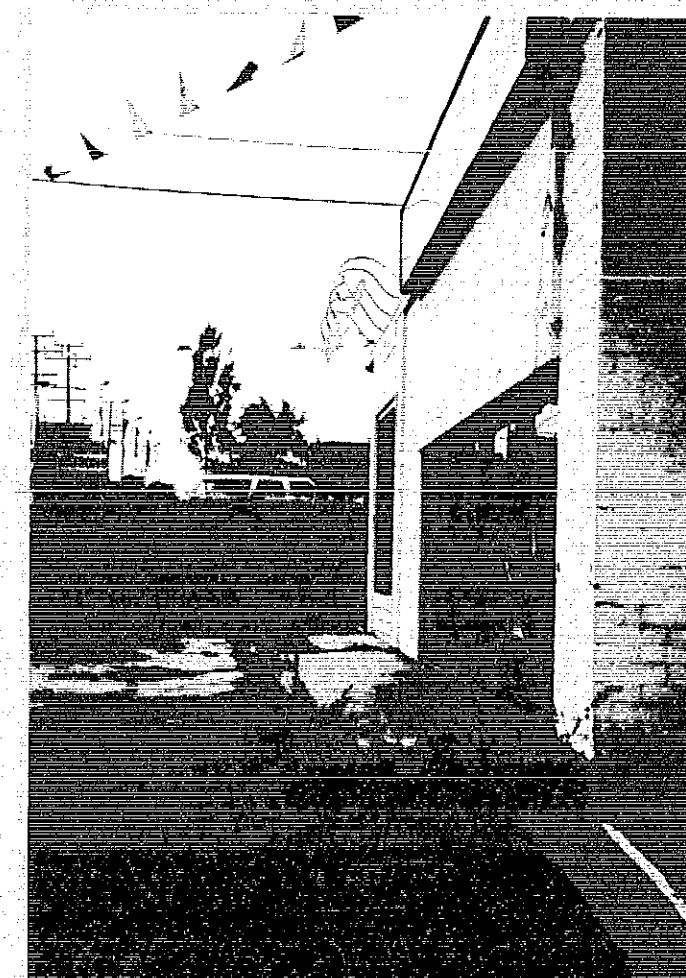
**WILLIAM MONK, INC.**

WILLIAM MONK, INC.  
Courthouse Commons  
222 Bosley Avenue, Suite B-7  
Towson, Maryland 21204-4300

LAND USE PLANNING • ENVIRONMENTAL PLANNING • ZONING



EXISTING SITE CONDITIONS

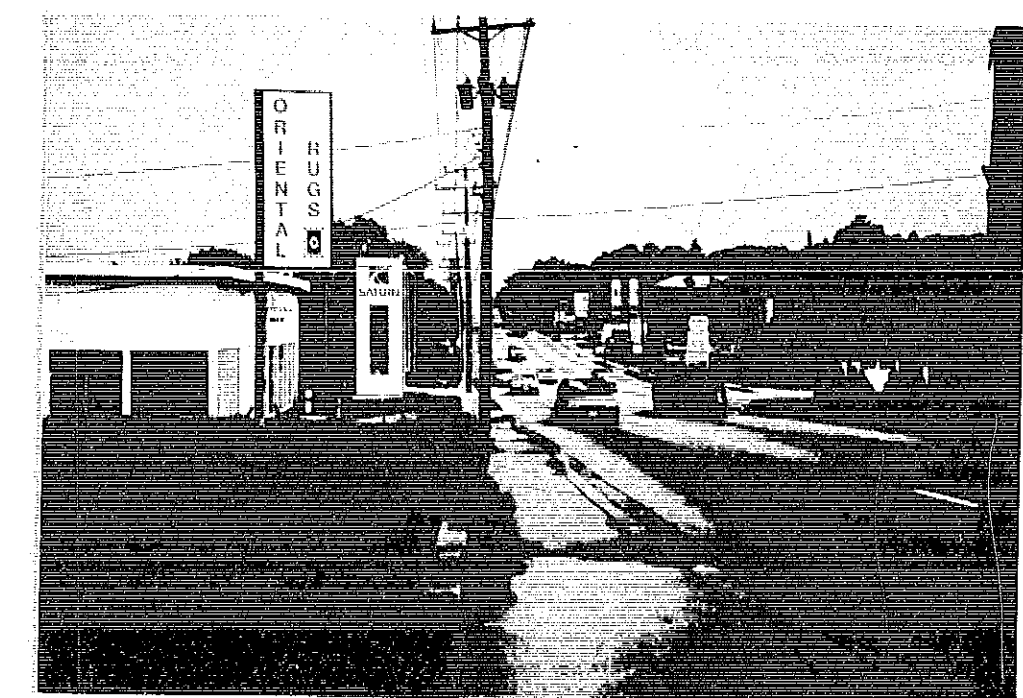
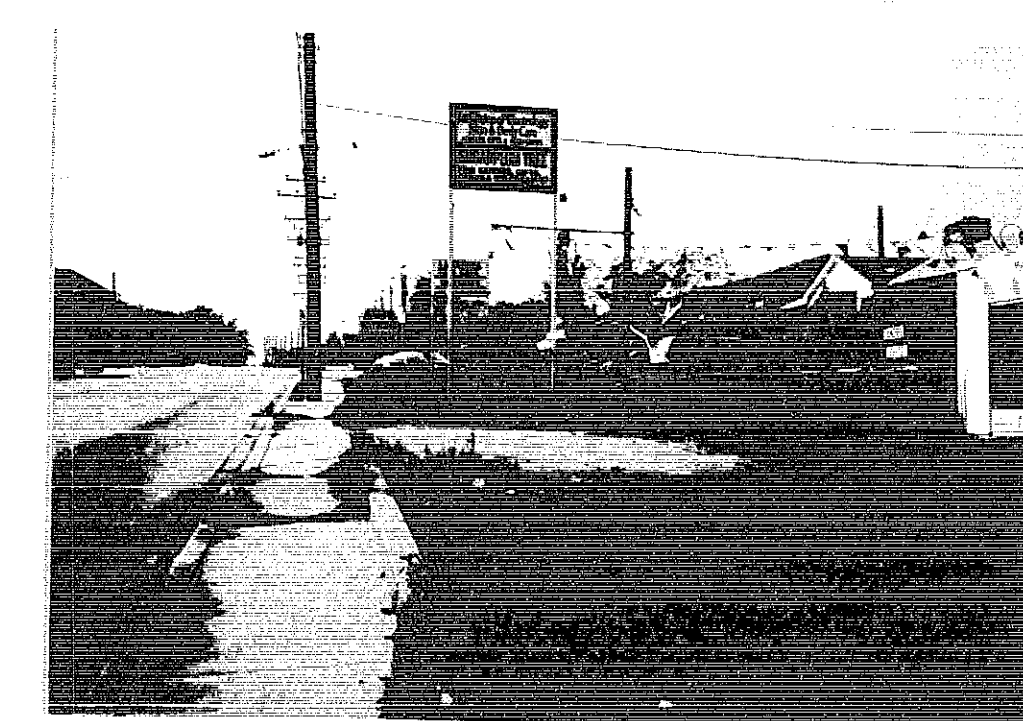


**WILLIAM MONK, INC.**

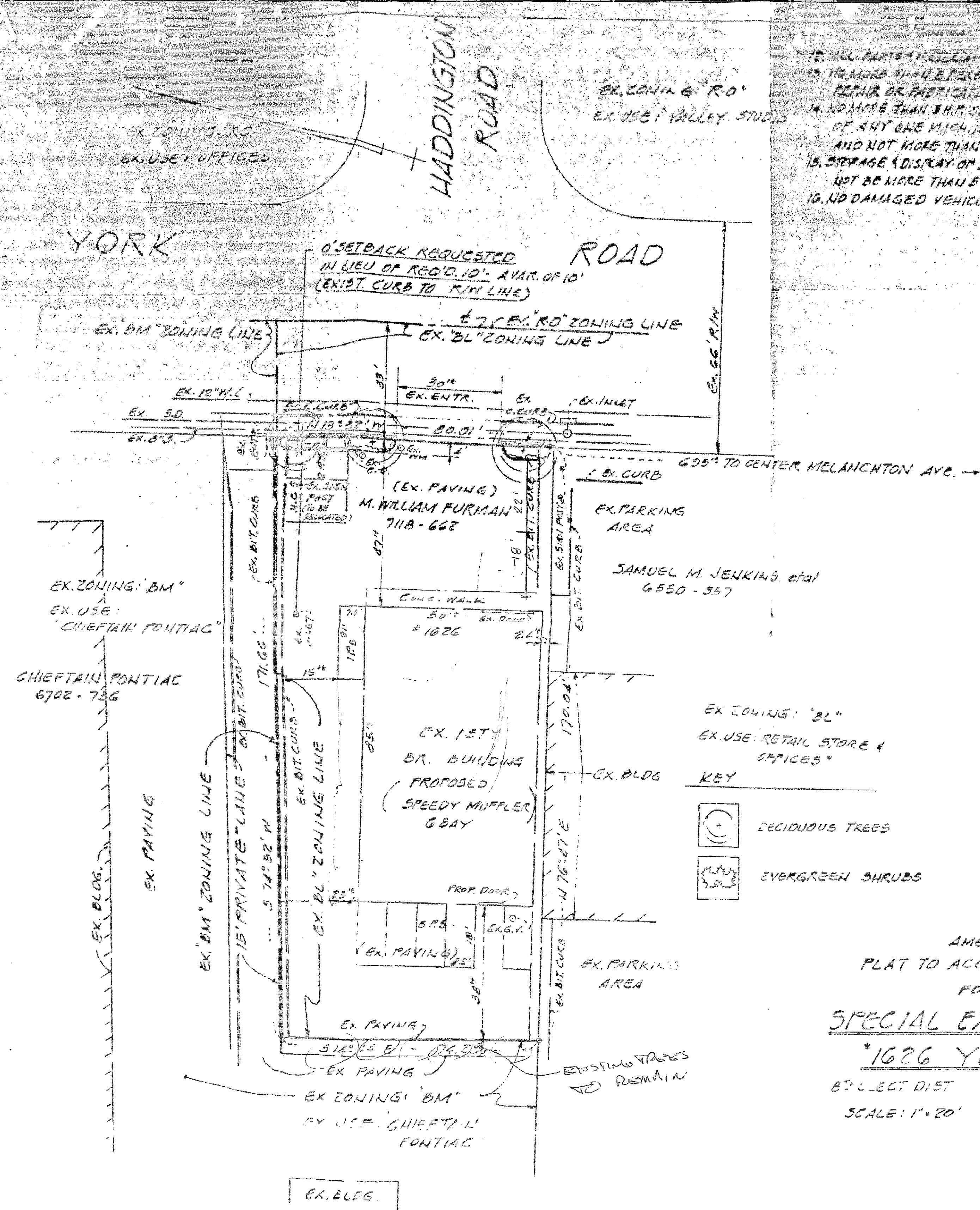
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LAND USE PLANNING • ENVIRONMENTAL PLANNING • ZONING

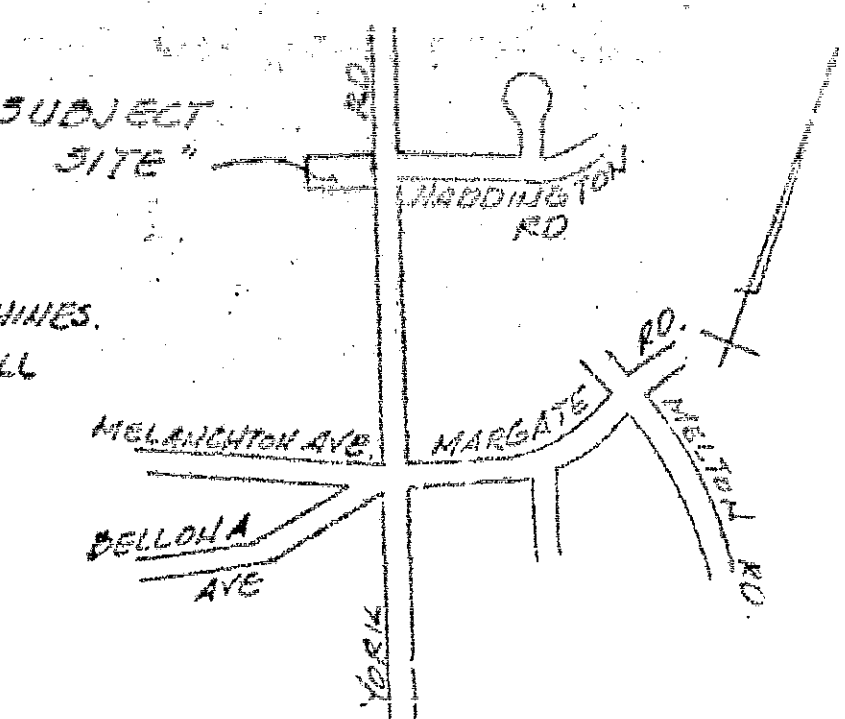
**AREA ALONG YORK ROAD TO BE LANDSCAPED**







12. ALL PARTS OF MATERIALS TO BE STORED IN AN OPEN AREA.
13. NO MORE THAN 2 PERSONS SHALL BE EMPLOYED IN THE REPAIR OR FABRICATION OF GOODS ON THE PREMISES.
14. NO MORE THAN 2 H.P. SHALL BE EMPLOYED IN THE OPERATION OF ANY ONE MACHINE USED IN REPAIR OR FABRICATION AND NOT MORE THAN 15 H.P. IN THE OPERATION OF SUCH MACHINES.
15. STORAGE & DISPLAY OF MATERIALS, VEHICLES & EQUIPMENT WILL NOT BE MORE THAN 5' IN FRONT OF THE REAR BUILDING LINE.
16. NO DAMAGED VEHICLES TO BE STORED ON SITE.



LOCATION PLAN  
SCALE: 1"=500'

GENERAL NOTES

1. AREA OF PROPERTY: 0.30 AC. (13,181 S.F.)
2. EXIST. ZONING OF PROPERTY: "BL"
3. EXIST. USE OF PROPERTY: WAREHOUSE (VACANT)
4. PROP. ZONING OF PROPERTY: "BL" w/ SPECIAL EXCEPTION
5. PROP. USE OF PROPERTY: "SPEEDY MUFFLER SHOP"
6. REQUIRED OFF STREET PARKING:  
EX. BUILDING: 4250 S.F. @ 25/1000 = 14.1 = 15 RS
7. NO. PARKING SPACES SHOWN: 8'S + 6 DAYS = 14 RS
8. PROPERTY SERVED BY PUBLIC UTILITIES
9. PETITIONER REQUESTING A SPECIAL EXCEPTION TO PERMIT A SERVICE GARAGE IN A "BL" ZONE
10. PETITIONER REQUESTING A VARIANCE TO SECTION 400.2 OF THE ZONING REGULATIONS TO PERMIT 12 PARKING SPACES IN LIEU OF THE REQUIRED 15 PARKING SPACES (A VAR. OF 5')
11. PETITIONER REQUESTING A VARIANCE TO SECTION 400.6.A.2 OF THE ZONING REGULATIONS TO PERMIT A SETBACK FOR PARKING SPACE FROM EXIST. ROAD R/L IN LIEU OF REQ'D. 10' (A VAR. OF 18')

- EX. ZONING: "BL"  
EX. USE: RETAIL STORE & OFFICES
- KEY
- (+ ) DECIDUOUS TREES
  - (R) EVERGREEN SHRUBS

AMENDED  
PLAT TO ACCOMPANY PETITION  
FOR  
SPECIAL EXCEPTION & VARIANCES  
\*1626 YORK ROAD

67 COLLECT DIST  
SCALE: 1"=20'

EASTWICK COUNTY, MD  
MAY 20, 1989  
PAUL LEE ENGINEERING, INC.  
304 W. PENNSYLVANIA AVE  
TOWSON, MARYLAND 21204

PETITIONER'S  
EXHIBIT 1

Paul  
10/89



## NOTES:

- 1) ZONING: EXISTING - BL  
PROPOSED - NO CHANGE
- 2) LOT AREA:  
15,561 S.F. (GROSS) / 0.358 AC. +/-  
13,181 S.F. (NET) / 0.303 AC. +/-
- 3) EXISTING USE: RETAIL (VACANT)
- 4) PROPOSED USE: DISCOUNT TIRE EXPRESS (SERVICE GARAGE)
- 5) BUILDING SETBACKS: REQUIRED PROVIDED  
\* FRONT - 46' 47' (EXISTING)  
NO ADDITIONS OR EXTERIOR  
ENLARGEMENT TO THE BUILDING IS  
PROPOSED  
INTERIOR SIDE - 0' 2' / 23' (EXISTING)  
REAR - 0' 38' (EXISTING)  
\* PER FRONT YARD AVERAGING CRITERIA (SECTION 303.2 BCZR)  
65' +/- 25' = 92' / 2 = 46'
- 6) BUILDING AREA:  
SERVICE GARAGE - 3,650 S.F.  
RETAIL - 600 S.F.  
TOTAL - 4,250 S.F.
- 7) PARKING:  
REQUIRED - SERVICE GARAGE: 3,650 S.F. @ 3.3/1000 = 12.  
RETAIL: 600 S.F. @ 1/200 = 3.  
TOTAL = 15.  
PROVIDED - 16 (11 SPACES ON SITE PLUS 5 SERVICE BAYS)
- 8) UTILITIES:  
SEWER - PUBLIC  
WATER - PUBLIC
- 9) SPECIAL HEARINGS: FOR MODIFICATIONS TO THE APPROVED PLAN AND  
ORDER IN ZONING CASE # 90-122XA AND (1) TO AMEND RESTRICTION  
#2 TO PERMIT A DISCOUNT TIRE EXPRESS; (2) TO REMOVE  
RESTRICTION #3; (3) TO REVISE THE PARKING SETBACK FROM 4' (PER  
PREVIOUS ZONING VARIANCE APPROVAL) TO 7' FROM AN EXISTING R/W;  
(4) REMOVE THE PARKING VARIANCE FOR THE NUMBER OF PARKING  
SPACES.
- 9A) VARIANCE: FROM SECTION 409.4(C) TO ALLOW A TWO WAY TRAVEL  
AISLE 20' IN LIEU OF 22' FOR 90 DEGREE PARKING.
- 10) SPECIAL EXCEPTION: FOR A SERVICE GARAGE IN A BL ZONE
- 11) ELECTION DISTRICT: 8
- 12) COUNCILMANIC DISTRICT: 4
- 13) CENSUS TRACT: 4088
- 14) WATERSEED: 24
- 15) SUBSEWERED: 57
- 16) DEED REFERENCE: 7118/662
- 17) PROPERTY ACCOUNT NO.: 08-0806082370
- 18) TAX MAP 60, GRID 18, PARCEL 208
- 19) FLOOR AREA RATIO:  
MAXIMUM PERMITTED: 3.0  
PROPOSED: 0.27
- 20) HEIGHT OF BUILDING: 1 STORY (LESS THAN 40 FT.)
- 21) MASS TRANSIT ADJUSTMENT: N/A
- 22) NO CRITICAL AREAS, ARCHEOLOGICAL SITES, EXISTING HISTORIC  
BUILDINGS OR ENDANGERED SPECIES HABITATS ON SITE.
- 23) THIS SITE DOES NOT CONTAIN HAZARDOUS MATERIALS TO THE BEST OF  
OUR KNOWLEDGE.
- 24) AMENITY OPEN SPACE:  
REQUIRED: N/A  
PROPOSED:
- 25) ALL OUTDOOR LIGHTING WILL BE DIRECTED AWAY FROM THE ADJACENT  
RESIDENTIAL HOUSES, WHERE APPLICABLE.
- 26) SIGNS: PROPOSED FREESTANDING AND BUILDING MOUNTED SIGNS TO  
CONFORM TO SECTION 413 BCZR.
- 27) PREVIOUS COMMERCIAL PERMIT: MOST RECENT COMMERCIAL USE WAS AN  
ORIENTAL RUG SHOWROOM (RETAIL).
- 28) ZONING HEARINGS: CASE # 90-122XA - SPECIAL EXCEPTION FOR A  
SERVICE GARAGE (APPROVED), PARKING VARIANCE (APPROVED) AND 4'  
SETBACK FOR PARKING FROM EXISTING R/W (APPROVED) 2/28/90.
- 29) NO DAMAGED OR DISABLED VEHICLES WILL BE STORED OUTSIDE.

## PLANTING NOTES

1. ALL PLANT MATERIAL SHALL BE NURSERY GROWN AND SHALL  
CONFORM TO THE AMERICAN ASSOCIATION OF NURSERYMEN, INC.  
STANDARDS.
2. ALL PLANTING PROCEDURES AND SPECIFICATIONS SHALL  
CONFORM TO "LANDSCAPE SPECIFICATION GUIDELINES FOR  
BALTIMORE-WASHINGTON METROPOLITAN AREA" LATEST  
EDITION.
3. NO PLANTING SHALL TAKE PLACE UNTIL FINAL GRADE IS  
ESTABLISHED AND STABILIZED.
4. PLANTS SHALL BE FERTILIZED, WATERED AND GUARANTEED FOR  
ONE (1) YEAR FROM INSTALLATION.
5. ALL PLANTS SHALL BE PROPERLY WRAPPED AND STAKED AS  
INDICATED ON DETAILS.
6. CONTRACTOR IS RESPONSIBLE FOR CONFIRMING AS-BUILT  
LOCATIONS OF ALL UTILITIES.

## Plant List

KEY	QUANTITY	BOTANICAL NAME/COMMON NAME	SIZE	REMARKS
LS	1	Liquidambar styraciflua/Sweet Gum	2-2 1/2" cal	848
JH	13	Juniperus horizontalis 'Bar Harbor' / Bar Harbor juniper	18-24"	Cont.

NOTE: The landscaping requirements are in accordance with Exhibit One at zoning case #90-122-XA

BALTIMORE COUNTY, MARYLAND  
DEPARTMENT OF PUBLIC WORKS  
BUREAU OF PUBLIC SERVICESLANDSCAPE ARCHITECT'S AND OWNER'S  
SIGNATURE AND CERTIFICATION FORM

I certify that I have reviewed this Final Landscape  
Plan that I am aware of the regulations presented in  
the Baltimore County Landscape Manual; and I agree to  
comply with these regulations and all applicable  
policy, guidelines and ordinances. I agree to certify  
the implementation of the approved Final Landscape  
Plan upon completion of the landscape installation  
not later than one (1) year from the date of  
occupancy to the Department of Public Works, Bureau  
of Public Services, County Office Building, Room 211,  
Towson, MD 21204.

Owner's signature \_\_\_\_\_ Date \_\_\_\_\_

(Print) Owner's Name \_\_\_\_\_ Title. No. \_\_\_\_\_

(Print) Mailing address - city - state - zip \_\_\_\_\_

Landscape Architect's signature \_\_\_\_\_ Date \_\_\_\_\_

(Print) Landscape Architect \_\_\_\_\_ Title. No. \_\_\_\_\_

(Print) M.A. Mailing address - city - state - zip \_\_\_\_\_

• Show (also) how same relation  
to truck gate as it bore to previously  
existing grade

• The trunks and foliage by 1/3.  
Retaining normal plant shape

• Refer to specifications  
for root information

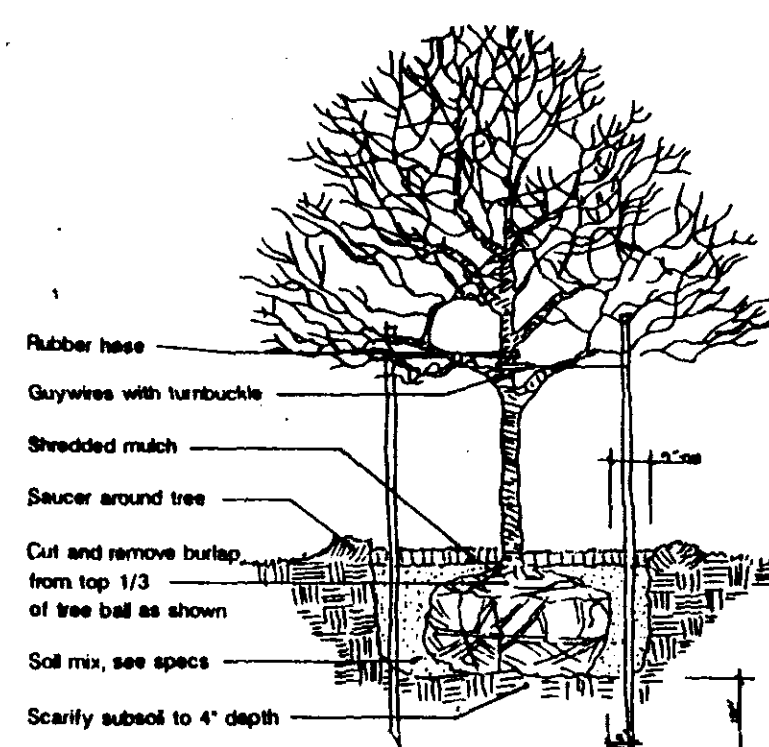
• Mark 3" deep  
Sealer around tree

• Cut & remove burlap  
from top 1/3  
of tree ball as shown

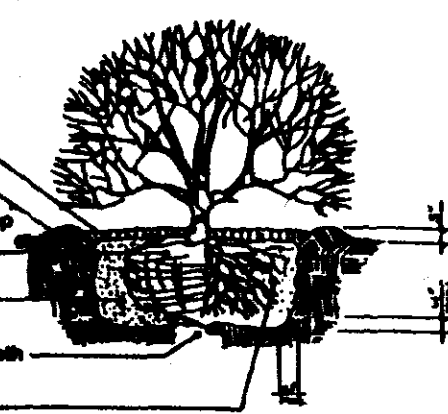
• Soil mix, see spec

• Scatter mulch to 4" depth

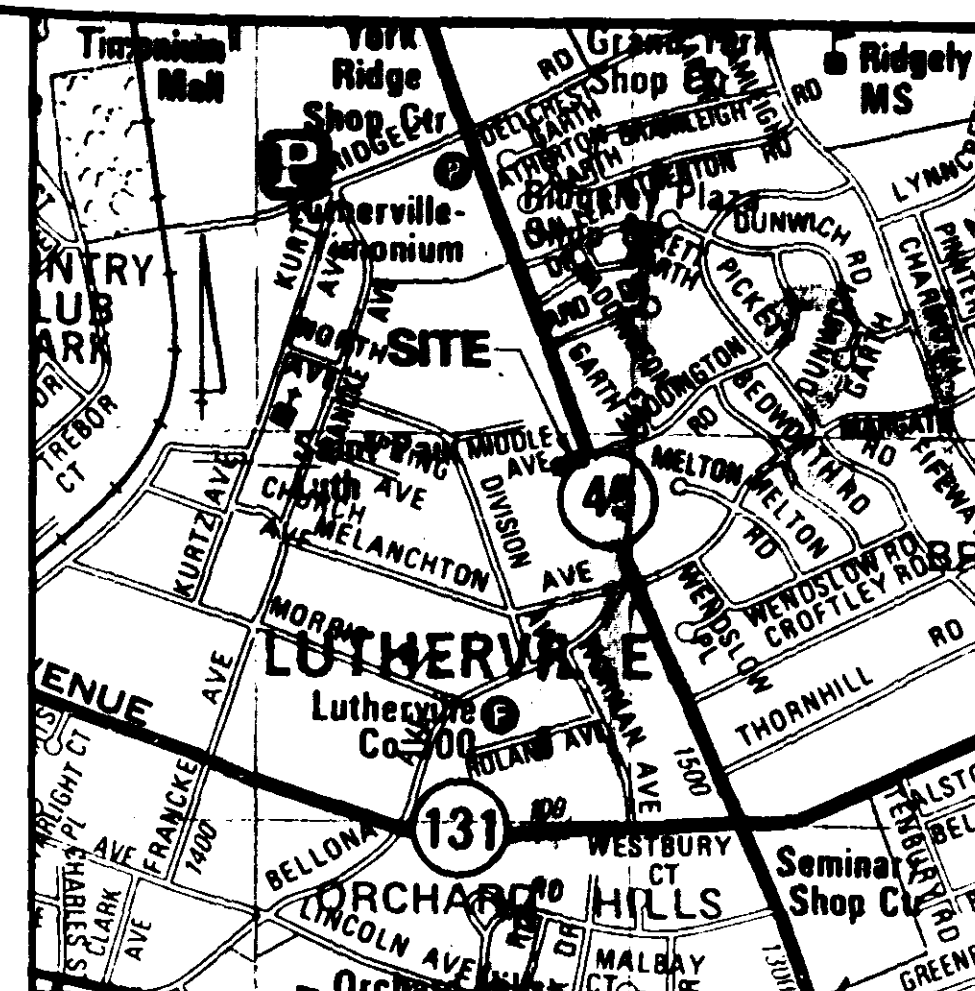
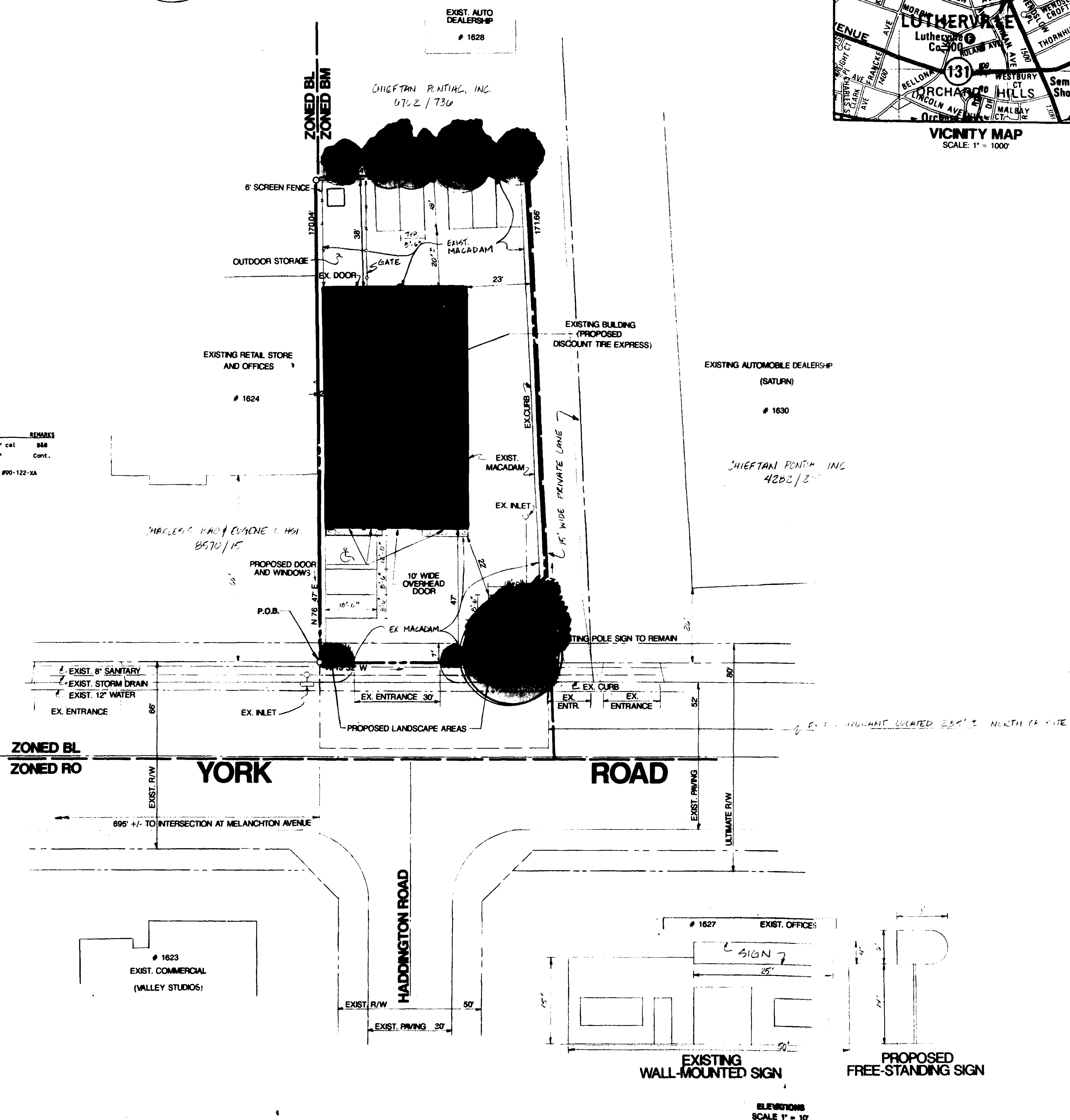
• Level of bare root spread



TREE PLANTING DETAIL



SHRUB PLANTING DETAIL

VICINITY MAP  
SCALE 1" = 1000'

# PLAT TO ACCOMPANY SPECIAL EXCEPTION SPECIAL HEARING AND VARIANCE APPLICATION & LANDSCAPE PLAN

WILLIAM MONK, INC.  
PLANNING • LANDSCAPE DESIGN  
ENVIRONMENTAL RESOURCE MANAGEMENT  
COURTHOUSE COMMONS  
1000 ROCK HAVEN DRIVE, SUITE 57  
TOWSON, MARYLAND 21204  
(410) 284-8931

APPLICANT:  
KIMBLE AUTOMOTIVE, INC.  
1/4 DISCOUNT TIRE EXPRESS  
540 KANE STREET  
BALTIMORE, MD 21224

1626 YORK ROAD  
BALTIMORE COUNTY, MARYLAND

SCALE 1" = 20'

JOB NO 92-048

DATE 08/04/92  
REV 08/01/92